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December 4, 1998

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
Office of the Secretary
1919 M Street, N.W.
Washington, D.C. 20554

Re: Eastern Sub-RSA Limited Partnership
Petition for Waiver of Section 20.18(c) of the Commission's Rules

Dear Ms. Salas:

Transmitted herewith, on behalf of Eastern Sub-RSA Limited Partnership, are an original and four copies of a Petition for Waiver of Section 20.18(c) of the Commission's Rules.

Please contact the undersigned with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Will J. Sill".

William J. Sill, Esq.
Daniel P. Meyer, Esq.
Counsel to Inland Cellular Telephone Company
General Partner of Eastern Sub-RSA
Limited Partnership

Enclosures

cc: John Cimko, Jr.; Chief, Policy Division (WTB)
Nancy Boocker; Deputy Chief, Policy Division (WTB)

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ATTORNEYS AND COUNSELORS AT LAW

1100 New York Avenue, Suite 750, N.W., Washington, D.C. 20005-3934, Tel: 202-371-9500, Fax: 202-371-0900

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of

Revision of the Commission's Rules
To Ensure Compatibility with
Enhanced 911 Emergency
Calling Systems

CC Docket No. 94-102
RM-8143

**EASTERN SUB-RSA LIMITED PARTNERSHIP
PETITION FOR WAIVER**

Pursuant to Section 1.3 of the Commission's Rules, Inland Cellular Telephone Company, by its attorneys and on behalf of Eastern Sub-RSA Limited Partnership (hereafter "Petitioner"), hereby petitions the Commission for a waiver, if necessary, of the provisions of Section 20.18 (c) of the Commission's Rules requiring that Petitioner be capable of transmitting 911 calls from individuals with speech and hearing disabilities by means other than mobile handsets. See Section 20.18(c) of the Commission's Rules, 47 C.F.R. § 20.18(c) (1997). This Petition for Waiver is submitted in accordance with the procedures established in the Commission's November 13, 1998 Order in Common Carrier Docket No. 94-102.

Petitioner presently operates an analog system over which it provides TTY service. Thus, at present, Petitioner does not operate a digital system and does not immediately require a waiver of 20.18(c). However, Petitioner contemplates beginning to install digital services in the third quarter of 1999.¹ If TDMA standards are not

¹ Petitioner plans to overlay its digital service over its existing analog system, so that subscribers that utilize TTY service in analog mode will continue to be able to do so even after the introduction of digital service.

finalized and compatible equipment not available at that time, Petitioner would be faced with the need to file a waiver petition. However, as it is unclear whether the FCC would permit initial waiver requests after December 4, 1998, Petitioner out of an abundance of caution is filing this petition today.

Today, TTY service is supported on an analog basis. Unfortunately, there are neither the necessary technical standards nor the proper equipment for Petitioner to provide TTY service in a digital mode. While Petitioner would like to provide TTY service on a digital basis, it will not be able to do so without the occurrence of several key events. First, a workable TDMA technical standard must be finalized. Once a standard is in place, network equipment manufacturers will design and make commercially available software and hardware necessary to bring digital networks into compliance with the standard. In turn, that action will prompt TTY device manufacturers to design and produce standard-compliant TTY devices.

Petitioner is committed to the principles of the Americans With Disabilities Act of 1990 underlying Section 20.18(c) of the Commission's Rules.² Integrating TTY service into the digital wireless environment will bring us all one step closer to a society where all Americans have equal access to communications services. Unfortunately, this goal is temporarily unattainable as the Commission-designated industry forum developing the technological solution to TTY provision in the digital environment has yet to produce a workable standard. In Orders issued on September 30th³ and November 13th⁴ of this year, the FCC recognized that the process of bringing TTY-compatible 911 Service into the digital cellular environment was exceedingly complex. The designated industry group did produce a plan on October 30th. That plan, however, projects that service would not be provided until a year beyond FCC expectations. The Commission granted

² 42 U.S.C. § 12131-34.

³ In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Order*, (CC Docket No. 94-102) (Sept. 30, 1998) (September Order).

⁴ In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Order*, (CC Docket No. 94-102) (Nov. 13, 1998) (November Order).

an extension until January 1, 1999 and required carriers that would be unable to meet the deadline to file a Petition for Waiver.

Good cause exists, therefore, for the granting of this waiver, notably in that system-wide industry standards by which a solution can be certified as TTY-compliant are not yet in place. Without applicable standards, Petitioner can not bring TTY service on-line in a digital wireless environment. To comply with Paragraph 11 of the Order released on November 13, 1998, Petitioner submits the following information:

(1) Petitioner is monitoring the activities of the Wireless TTY Forum, and reviewing the availability of equipment which may comply with the emerging technical standard. This effort included closely monitoring industry efforts to work with manufacturers and the disabled community to develop the appropriate standards on an industry-wide basis. The Wireless TTY Forum's periodic reports have been reviewed to determine if compliance is possible given the current state of technology in this field. Given the effort expended by the Forum and the results to date, Petitioner must rely on the Wireless TTY Forum's ongoing efforts to move the industry into compliance rather than duplicate the Forum's achievements to date. But when the standard is finalized and compliant equipment is commercially available, Petitioner—through its data network—will be able to provide digital TTY 911 service once its system becomes operative.

(2) Petitioner has been querying its equipment vendors to determine when they will be able to provide TTY devices that can be used over digital wireless systems. A prominent manufacturer has reported that no industry common TTY 911 compliant equipment will be available by January 1, 1999. Based on information from Lucent Technologies, Petitioner understands that no equipment currently exists, and that no concrete timetable can be provided to determine when that equipment will be available. Following Petitioner's upgrade to a digital system, it will take Petitioner approximately 120 days to complete its efforts to support a TDMA-based provision of TTY 911 services provided that: (1) the Wireless TTY Forum finalizes a TDMA standard; (2) network equipment manufacturers design, produce and make commercially-available the necessary hardware and software to make the digital network compliant with the TDMA standard; and (3) cellular telephone manufacturers and TTY manufacturers

design, manufacture and make commercially-available TDMA compliant equipment. Petitioner will monitor compliance with this timeline, and report changes to the Commission in its regularly-scheduled three month updates.

(3) Petitioner is cognizant of the thirteen (13) consumer points articulated in the September 30th Order,⁵ and will be able to meaningfully factor them into its assessment of a TTY solution after the Wireless TTY Forum has produced an actionable standard, compliant equipment is commercially available and after Petitioner has upgraded to a digital system. Petitioner will do this by assessing the many technical parameters of commercially-available equipment, including but not limited to: character error rate, TTY caller video monitor characteristics, volume controls, tactile ring signal indicators, Baudot signaling capabilities, compliance with desired error rates, supportability of VCO and HCO services, provision of call information such as ANI and ALI, and AMPS-benchmarked drive conditions.

Upon receipt of a waiver, Petitioner will file updates every three months, beginning on the date of the waiver grant. Each update will chronicle progress in standard setting, compliant equipment availability, and the Petitioner's digital service installation plans.

Under Section 22.119 of the Commission's Rules, a request for waiver may be granted upon a showing that the underlying purpose of the rules will not be furthered by application of the Rules in the instant case or if, due to unusual circumstances, application of the rule in question will not be required. Based on the information provided supra, the grant of a Waiver is warranted as: (1) it will advance the Commission's policy of providing E911 TTY compatible services by providing Petitioner sufficient time to design and implement TTY technology, (2) it is necessary because that TTY policy goal is not attainable at the present, but will be attainable during the time period the Waiver is in effect, and (3) it furthers, rather than frustrates the goal of provision of TTY services in a digital wireless environment.

⁵ See Appendix, September Order, CC Docket No. 94-102.

Wherefore, Petitioner respectfully submits that a waiver of Section 20.18(c) of the Commission's Rules is in the public interest.

A handwritten signature in black ink, appearing to read 'William J. Sill', written over a horizontal line.

William J. Sill, Esq.
Daniel P. Meyer, Esq.
Counsel to Inland Cellular Telephone Company,
General Partner of Eastern Sub-RSA
Limited Partnership, on behalf of
Eastern Sub-RSA Limited Partnership

Donelan, Cleary, Wood & Maser, P.C.
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